

## Message Text

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PAGE 01 STATE 043233  
ORIGIN IO-14

INFO OCT-01 L-03 EUR-12 ISO-00 CIAE-00 INR-10 NSAE-00  
CU-04 /044 R

DRAFTED BY IO/UNESCO:RDFORSTER:JU  
APPROVED BY IO:GADALLEY  
L/UNA - SBOND

-----086152 180332Z /20

P 180048Z FEB 78  
FM SECSTATE WASHDC  
TO AMEMBASSY PARIS PRIORITY

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NESCO

E.O. 11652:N/A

TAGS: AORG, UNESCO

SUBJECT: FRENCH PERM REP'S VIEWS ON EXBD MEMBERSHIP

REF: PARIS 3505

1. DEPT. PUZZLED BY AMBASSADOR VALERY'S REFERENCES  
(PARA 8, REFTTEL) TO "PRACTICE" OR "INFORMAL CONVENTION"  
OF BOARD MEMBERS NOT SUCCEEDING THEMSELVES OR SERVING  
BEYOND THE LIMITS OF AN ESTABLISHED FOUR YEAR TERM, AS  
WELL AS VALERY'S REPORT OF HIS CONVERSATION WITH UNESCO'S  
LEGAL ADVISER, CLAUDE LUSSIER, WHO IS SUPPOSED TO HAVE  
SAID THERE WAS NO CONSTITUTIONAL PROVISION LIMITING "BOARD  
MEMBERS" TO A FOUR YEAR TERM.

2. ARTICLE V, PARA A.3 OF UNESCO CONSTITUTION STATES THAT  
"MEMBERS OF THE BOARD SHALL SERVE FROM THE CLOSE OF THE  
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SESSION OF THE GENERAL CONFERENCE WHICH ELECTED THEM  
UNTIL THE CLOSE OF THE SECOND ORDINARY SESSION OF THE  
GENERAL CONFERENCE FOLLOWING THAT ELECTION. THEY SHALL  
NOT BE IMMEDIATELY ELIGIBLE FOR A SECOND TERM."

3. THE INTENTION OF THIS PROVISION WAS TO GIVE MORE  
MEMBER STATES AN OPPORTUNITY TO SERVE ON THE BOARD BY

INCREASING THE RATE OF TURNOVER. HOWEVER, IN THE CASE OF

THE BIG FIVE, FOR WHICH THERE IS AN INFORMAL PRACTICE OF "PERMANENT ELECTION", THE PROVISION AFFECTS ONLY THE INDIVIDUAL AND NOT THE STATE HE/SHE REPRESENTS.

4. VALERY MAY BE CONFUSING THESE TWO THINGS, WHICH COULD EXPLAIN HIS ACCOUNT OF HIS CONVERSATION WITH LUSSIER. IN SHORT, HE MIGHT BE TRYING TO ARGUE THAT THE "MEMBERS OF THE BOARD" CONSTITUTIONALLY LIMITED TO FOUR YEARS ARE ONLY THOSE WHO ARE ELECTED BY THE GENERAL CONFERENCE AND NOT THE "REPLACEMENTS" (LIKE HIMSELF) APPOINTED BY THE BOARD FOR THE REMAINDER OF THE TERM OF A MEMBER ELECTED BY THE GENERAL CONFERENCE.

5. REGARDLESS OF THIS ARGUMENT'S RATHER DUBIOUS LEGAL MERITS, THE DEPT. WOULD PREFER THAT THE PERM DEL NOT PURSUE THE MATTER FURTHER WITH VALERY, ASSUMING THAT THIS WAS THE POINT HE WAS TRYING TO MAKE TO AMBASSADOR TORRES, SINCE WE -- LIKE FRANCE, UK, USSR AND CHINA -- ARE VULNERABLE TO CRITICISMS OF OUR INFORMAL CLAIM TO PERMANENT SEATS ON THE BOARD, AND WE WOULD NOT LIKE TO OPEN WHAT COULD WELL TURN OUT TO BE A PANDORA'S BOX. VANCE

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## Message Attributes

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**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
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**Decaption Date:** 01 jan 1960  
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**Disposition Approved on Date:**  
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**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
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**Document Number:** 1978STATE043233  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** RDFORSTER:JU  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014